Supreme Court, U. S.
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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

No. 77-575

SMITH JOHN AND HARRY SMITH JOHN,
Appellants,

vs.

STATE OF MISSISSIPPI,
Appellee.

ON APPEAL FROM THE SUPREME COURT OF MISSISSIPPI

[redacted] OPPOSITION TO MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE

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The appellee objects to the filing of the Brief *Amicus Curiae* and has refused consent to its filing. Such Motion For Leave To File Brief *Amicus Curiae* has not been timely presented to this Court as required by Rule 42 (3), Rules of the Supreme Court of the United States. The Jurisdictional Statement, the position of which the *amicus* supports, was docketed with this Court October 18, 1977. Appellee's Motion To Dismiss was filed December 14, 1977. Appellee received the Motion For Leave To File Brief *Amicus Curiae* on December 13, 1977. Appellee's motions must be mailed outside the State for printing which necessitates early completion of the preparation of the motions to allow sufficient time for its printing. Appellee, in this case, has not been allowed sufficient time to respond.

The questions of law and the facts at bar have been exhaustively covered by the Appellants and the Appellee whose brief. have been before this Court for well over a week.

The bulk of the Motion For Leave To File Brief *Amicus Curiae* And Brief Of The Mississippi Band Of Choctaw Indians As *Amicus Curiae* contains matters outside the record, and is not supported by any authority, and has nothing to do with the issues at bar.

Such Brief adds nothing to this case and Appellee has refused consent and objects to the filing of the Brief *Amicus Curiae.*

Respectfully submitted,

A. F. SUMMER, Attorney General

By: CATHERINE WALKER UNDERWOOD
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Jackson, Mississippi 39205
Attorney for Appellee

CERTIFICATE

I, Catherine Walker Underwood, Special Assistant Attorney General for the State of Mississippi, do hereby certify that I have this day mailed, postage prepaid, a copy of the foregoing Motion In Opposition To Motion For Leave To File Brief *Amicus Curiae* to Harry R. Sachse, Sonosky, Chambers, & Sachse, 2030 M Street, N.W., Washington, D.C. 20036; Richard B. Collins, Esquire, Native American Rights Fund, 1506 Broadway, Boulder, Colorado 80302; Edwin R. Smith, Esquire, Box 467, Philadelphia, Mississippi 39350; and The Solicitor General, Department of Justice, Washington, D.C. 20530.

This, the 23rd day of December, A.D., 1977.

CATHERINE WALKER UNDERWOOD
Special Assistant Attorney General